

Sequence Compliance

This Office action replaces the Office action of 09/30/08, which was vacated, because although the Notice of comply was included, however, the Office action was inadvertently omitted.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the following reasons and the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures:

The amino acid sequences SEQ ID NO: 1 and SEQ ID NO:2 cited in the amendment of 05/16/08 are not listed in the sequence listing. In the sequence listing of 06/30/04, SEQ ID NO:1 and SEQ ID NO:2 are polynucleotide sequences.

APPLICANT IS GIVEN A **ONE MONTH** EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR §1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio

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(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>), EFS
Submission User Manual - ePAVE)

2. US Postal Service:

Commissioner for Patents
PO Box 22313-1450
Alexandria, VA 22313-1450

3. Hand carry, Federal Express, United Parcel Service, or other delivery service:

U.S. Patent and Trademark Office
Mail Stop Sequence
Customer Window, Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-TAM DAVIS whose telephone number is 571-272-0830.

The examiner can normally be reached on 9:00 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LARRY HELMS can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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MINH TAM DAVIS
November 20, 2008

/Larry R. Helms/

Supervisory Patent Examiner, Art Unit 1643